

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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IN THE MATTER OF THE ORDER TO	:	ORDER
SHOW CAUSE ISSUED TO TONY PECK	:	
AND THOMAS J. PECK AND SONS,	:	DOCKET NO. 87-031
INCORPORATED REGARDING THE	:	CAUSE NO. M/023/011
FAILURE TO OBTAIN MINING	:	
APPROVALS FOR THE NEPHI GYPSUM	:	
QUARRY LOCATED IN JUAB COUNTY	:	
UTAH	:	

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This matter came on for hearing before the Board of Oil, Gas and Mining (Board) at 10:25 a.m. on January 28, 1988. All members of the Board were present and participating. The Division of Oil, Gas and Mining (Division) was represented by Assistant Attorney General Barbara W. Roberts. Tony Peck was present, on behalf of himself (Respondent). The Division had previously filed a written recommendation with attachments.

The Board has reviewed the material submitted in support of the Order to Show Cause and has heard from the parties and now makes and enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

1. Due and proper notice of the time, place and purpose of the hearing has been given to all parties entitled by law and the rules of the Board.
2. Each party was granted an opportunity to be heard on the issues presented to the Board for hearing.
3. Respondent has and continues to operate the Nephi Gypsum Quarry without approval from the Division.
4. A modified Mining and Reclamation Plan was submitted to the Division by Respondent on January 15, 1988. The Division has reviewed the Plan and has granted conditional approval pending receipt by the Division of the reclamation surety.
5. Respondent has not submitted to the Division the required \$15,000.00 reclamation surety.



6. Respondent acknowledges his duty to supply a reclamation surety and can supply the surety within a week's time.

7. The Board has subject matter jurisdiction in addition to jurisdiction over all persons and property necessary to make a final determination in this matter.

8. Utah State Law mandates that approval to conduct mining operations be granted by the Division prior to the commencement of mining operations.

9. Before the approval described in paragraph 8 can be granted, both a complete and accurate Mining and Reclamation Plan and a sufficient reclamation surety must be submitted and each separately approved.

10. The Board has the authority to order a cessation of all mining operations including the onsite transportation of stockpiled minerals.

#### ORDER


Now, therefore, based upon the above findings in the matter, the Board hereby orders:

1. That Tony Peck provide to the Division by the close of business on February 16, 1988, a reclamation surety for the Nephi Gypsum Quarry in the amount of \$15,000.00.

2. That failure to so provide the surety described in Paragraph 1 of this Order will result in the immediate cessation of all mining operations at the Nephi Gypsum Quarry including all onsite transportation of stockpiled minerals.

DATED this 11th day of February 1988.

STATE OF UTAH  
BOARD OF OIL, GAS AND MINING

  
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Gregory P. Williams  
Chairman of the Board

Nephi Gypsum Quarry, M/023/011  
Reclamation Cost Estimate

Summary of Costs

<u>Item</u>	<u>Cost Estimate</u>
General Cleanup	\$ 2100
Grading and Recontouring	9200
Seeding	<u>2300</u>
Subtotal	\$13,600
10 percent contingency	<u>\$ 1,400</u>
Total in 1988 dollars	\$15,000
2 percent inflation for 5 years	<u>\$ 1,600</u>
Total in 1993 dollars	\$16,600

Nephi Gypsum Quarry, M/023/011  
Reclamation Cost Estimate  
by  
Frank Filas  
February 11, 1988

General Cleanup

<u>Item</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Cost</u>
A. Trash removal	Lump Sum		\$ 500
B. Grade pad area D-7 Dozer	16 hrs.	\$100/hr	<u>1600</u>
Subtotal			\$2100

Grading and Recontouring

Description: Spread gypsum fines (approximately 5000 yards) over 6 acre pad and stockpile area and rip with a dozer. Cover will be a minimum of two feet thick over the cement foundations and a minimum of 6 inches thick over the remaining areas. It is assumed that the bulk of the gypsum fines will be sold locally as a soil amendment prior to reclamation. The upper mine roads will be regraded to their original contour.

<u>Item</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Cost</u>
A. Spread fines/rip D-7 Dozer	40 hours	\$100/hr	\$4000
3 YD Loader	40 hours	\$ 80/hr	\$3200
B. Grade roads	20 hours	\$100/hr	<u>\$2000</u>
Subtotal			\$9200

Seeding

<u>Item</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Cost</u>
A. Level Areas			
Tractor w/disk	8 hours	\$ 50/hr	\$400
Laborer	8 hours	\$ 12.50/hr	100
Seed	6 acres	\$100/hr	600
Fertilizer	6 acres	\$ 50/hr	300
B. Quarry & roads			
Laborer	24 hours	\$ 12.50/hr	\$300
Seed	6 acres	\$100/hr	<u>600</u>
Subtotal			\$2300